

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA PARRISH,

Plaintiff,

v.

MULE CREEK STATE PRISON,

Defendant.

No. 2:22-cv-02192-CKD P

ORDER AND

FINDINGS AND RECOMMENDATIONS

By order filed December 27, 2022, plaintiff was granted 30 days to file a complaint in order to properly commence this civil action. ECF No. 10. The thirty day period has now expired, and plaintiff has not filed a complaint or otherwise responded to the court's order. Plaintiff was warned that his failure to respond to the court's order would result in a recommendation that this action be dismissed. ECF No. 10 at 2.

Accordingly, IT IS HEREBY ORDERED that the Clerk of Court randomly assign this matter to a district court judge.

IT IS FURTHER RECOMMENDED that:

1. This action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).
2. All pending motions be terminated.
3. The Clerk of Court close this action.

1 These findings and recommendations are submitted to the United States District Judge
2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
3 after being served with these findings and recommendations, plaintiff may file written objections
4 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings
5 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
6 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
7 (9th Cir. 1991).

8 Dated: February 8, 2023



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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